

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LOUIS ALEXANDER HAIRSTON, }  
Petitioner, } Civil Action No. 05-24 Erie  
v. }  
DAVID KATZ, Michigan }  
Department of Corrections and }  
WARDEN JAMES SHERMAN, }  
Respondents. }

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on January 24, 2006 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on January 20, 2006, recommended that the petition for writ of habeas corpus be dismissed for failure to prosecute. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner through his court-appointed counsel of record. Petitioner has filed no objections to Magistrate Judge Baxter's Report and Recommendation. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 9<sup>th</sup> day of February, 2006,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED for failure to prosecute.

The Report and Recommendation of Magistrate Judge Baxter, filed on January 20, 2006 [Doc. # 15], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin  
United States District Judge

cm: All counsel of record  
Susan Paradise Baxter, U.S. Magistrate Judge